

REMARKS

Applicant thanks the Examiner for the telephonic interview held on November 22, 2005. During that interview, Applicant's attorney explained the following:

- Each of claims 1-4, 8-13, 29-35, 39-44, 60-63, 65-67, and 69 includes a limitation of "transfer logic for periodically transferring new data from the insert table to the history table" (or a substantially similar limitation), which is precisely the opposite of the teachings of Kawai.
- Each of claims 60-61, 65, and 69 includes a limitation of "creating a new partition in a composite-partitioned history table" (or a substantially similar limitation), while Kawai does not disclose the use of composite-partitioned tables.
- Each of claims 70-73 includes a limitation of "a throttler for throttling selected transactions to the ODS" (or a substantially similar limitation), while Kawai does not disclose the use of throttling.

At the conclusion of the interview, the Examiner agreed to perform an additional search based on these explanations, and after the filing of this response.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4, 8-13, 29-35, 39-44, 60-63, 65-67, and 69 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kawai (U.S. Pat. No. 5,717,924). The Office Action states that Kawai teaches an operational data store comprising an insert table for storing new data (referring to FIG. 10A, step 320); a history table for storing historical data (referring to FIG. 10A, step 328); and transfer logic for periodically transferring new data from the insert table to the history table (referring to FIG. 10A).

FIG. 10A does not, however, teach these elements of claim 1 of the present application. Rather, as described in Applicants' previous Response, FIG. 10A of Kawai teaches a method for copying *old table data* into a new table.

Claim 1 of the present invention recites precisely the opposite: "transfer logic for periodically transferring new data from the insert table to the history table," which stores historical (old) data. In other words, Kawai teaches copying old table data into a new table, while claim 1 of the present application recites copying new table data into an old table. Therefore, claim 1 of the present application patentably distinguishes over Kawai.

Claim 32 of the present application similarly recites "inserting new data into an insert table" and "periodically transferring data from the insert table to a history table," and

therefore patentably distinguishes over Kawai for at least the same reasons as claim 1.

With respect to claim 60, the Office Action states that Kawai teaches a method for operating an operational data store comprising creating a new partition in a composite-partitioned history table (referring to FIG. 7); creating a partitioned temporary table (referring to FIG. 10B, step 332); filling the temporary table with data from an insert table (referring to FIG. 10B, step 336); exchanging the temporary table with the new partition (referring to FIG. 10B, step 348); and receiving a query and applying the query to both the history table and the insert table (referring to col. 2, lines 19-21 and col. 4, lines 29-42).

Kawai does not, however, teach "creating a new partition in a composite-partitioned history table," as required by claim 60 of the present application. Support for this element is provided, for example, at page 15, lines 18-19 of the present application, which states that in step 206 of FIG. 6, "a new partition is created in the historical table, partitioned by range and sub-partitioned by the number of database server instances." A partition that is sub-partitioned in this manner is an example of a composite-partitioned table.

Claims 70-73 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Battas et al. (U.S. Pat. No. 6,757,706). With

respect to claim 70, the Office Action states that Battas teaches a system for producing a desired level of service in a mixed workload environment (referring to col. 20, lines 31-34), comprising a high-speed insert operational data store (ODS) (referring to col. 15, lines 34-37); a throttler for throttling selected transactions to the ODS (referring to col. 15, lines 41-45); and an aggregator for accumulating transactions into batches and inserting each of the batches into the ODS using a single database transaction per batch (referring to col. 15, lines 41-46).

Battas does not, however, teach "a throttler for throttling selected transactions to the ODS," as required by claim 70 of the present application. Support for this limitation may be found in the present application, for example, at p. 4, lines 16-20; p. 6, lines 16-17; p. 7, lines 24-25; p. 8, lines 1-6; p. 9, lines 4-28; and p. 10, lines 1-24. For example, the present application provides one example of throttling selected transactions at p. 98, lines 7-10, stating that "[t]o achieve a desired level of service, different 'classes' of transactions may be independently throttled. That is, to provide the desired performance of the high-speed inserts, queries may need to be slowed, so that the higher-priority insert transactions can execute at full speed."

Claim 70 of the present application therefore patentably distinguishes over Battas. Claim 72 includes the same relevant

limitations as claim 70 and therefore patentably distinguishes over Battas for at least the same reasons.

Claim Rejections - 35 U.S.C. § 103

Claims 14-22 and 45-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawai in view of Kessler et al. (U.S. Pat. No. 5,761,706). Claims 14-22 and 45-53 are dependent claims which depend from independent claims discussed above and therefore include at least the same limitations. For the reasons described above, Kawai fails to teach at least one express limitation of each of claims 14-22 and 45-53. The Office Action fails to point out how Kessler teaches or suggests any of these limitations. Therefore, claims 14-22 and 45-53 patentably distinguish over the combination of Kawai and Kessler for at least the same reasons provided above.

CONCLUSIONS

Any dependent claims not expressly discussed above incorporate the limitations of the independent claims from which they depend and therefore are patentable for at least the reasons provided above.

Applicant urges the Examiner to contact Applicant's attorney at the telephone number listed below to discuss the outstanding issues in this case before the Examiner issues the next written action.

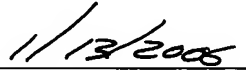
If this response is not considered timely filed and if a request for extension of time is otherwise absent, applicant hereby requests any extension of time. Please charge any fees or make any credits, to Deposit Account No. 08-2025.

Respectfully submitted,



Robert Plotkin, Esq.

Reg. No. 43,861



Date

Robert Plotkin, P.C.
91 Main Street, Suite 204
Concord, MA 01742-2527
Tel: (978) 318-9914
Fax: (978) 318-9060